

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DIANNE KELLEY and KENNETH HANSEN,

Plaintiffs,

v.

MICROSOFT CORPORATION, a Washington
corporation,

Defendant.

No. C 07-475 MJP
DECLARATION OF MARTIN
ANTONIO GATCHALIAN IN
SUPPORT OF MICROSOFT'S
OPPOSITION TO PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION

Martin Antonio "Mitch" Gatchalian declares as follows:

1. I am a Senior Product Manager in the Windows Product Management Group at Microsoft. I have worked at Microsoft from 1998 through the present and have held the following roles during the following time periods: Senior Manager for Application Development Customer Unit (Microsoft Philippines 1998-2000), Product Manager and then Senior Product Manager for SQL Server (2000-2006), and Senior Product Manager for Windows (2007-present). In my role as Senior Product Manager for Windows XP and Windows Vista, I am familiar with the features of Windows XP, Microsoft-supported downloads for Windows XP, and the Windows Vista editions (Windows Vista Home Basic,

GATCHALIAN DECLARATION IN SUPPORT OF OPPOSITION TO
CLASS CERTIFICATION — 1

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1 Windows Vista Home Premium, Windows Vista Business, and Windows Vista Ultimate). I
2 make this declaration based upon my personal knowledge acquired in this position.

3 2. Windows Vista contains hundreds of new and improved features, resulting
4 from Microsoft's investment of over 5 years of development efforts, the longest development
5 time for any operating system Microsoft has ever released. Microsoft employed over 2,400
6 developers, 2,500 testers, and 1,500 program managers to create Windows Vista.

7 3. Microsoft planned from the beginning to create multiple editions of Windows
8 Vista in order to meet differing consumer and business needs and budgets.

9 4. Microsoft focused on the following five main areas to improve the user
10 experience in developing the Windows Vista operating system: Fundamentals (e.g., security,
11 speed, and preventing and fixing crashes), Personal Empowerment (e.g., easier organization
12 and more powerful search abilities), Communications and Collaboration (e.g., file and
13 document sharing), Mobility (e.g., easier usage of wireless, networking, other devices that
14 users connect to their PCs, and improved power efficiency), and Media and Entertainment
15 (e.g., photos, games, and parental controls).

16 5. We included new or improved features in all of these areas in the Windows
17 Vista Home Basic edition, and many are available only in Windows Vista. They are not
18 available in Windows XP or by free download from Microsoft. Some of the new and
19 improved features would be obvious to consumers comparing the two operating systems,
20 while others would work "behind the scenes" and would be less evident to consumers (e.g.,
21 security), but nonetheless add significant value to Windows Vista users.

22 6. Some selected new features in all editions of Windows Vista that are not
23 present in XP include:

24 (A) Improvements in the User Interface for Windows Vista (all editions)
25 including a new Start Menu that helps users instantly find and launch applications, files,
26 email, and Internet favorites, without utilizing older "fly-out" menus that slow users down.

1 The new User Interface features improved responsiveness and speed of menus and submenus.
2 A new "Navigation Bar" makes it easier and quicker to go back to prior screens. All
3 Windows Vista editions also display "thumbnail" views of documents and photos that save
4 user search time. For example, *see* the true and correct print-outs of screenshots from
5 Windows XP and Windows Home Basic attached in ***Exhibit A***.

6 (B) An "Instant Search" capability that allows users to locate and display
7 any file on the computer including documents, emails, media files, and other things using a
8 central Instant Search tool located on the Start Menu. In contrast, searching for things in
9 Windows XP often requires multiple searches. *See Exhibit B* for true and correct print-outs
10 of screenshots contrasting the Windows XP with the Windows Vista search features.

11 (C) Parental Controls that allow users to be in charge of what hours in the
12 day and content children can access or use on the computer. Parental Controls can restrict
13 access to various web sites, games, or applications from children's use, and also generates
14 usage reports for parents to review. If users downloaded Internet Explorer 7 and Windows
15 Live OneCare Family Safety from Microsoft's websites for use with Windows XP, they
16 would have the ability to block children from using certain websites, but they could not
17 control the usage times, generate reports of usage, block the execution of programs or filter
18 game usage. To manage any of these local controls on the PC, parents would have had to
19 purchase at additional cost, third-party software compatible with their Windows XP edition.
20 *See Exhibit C* for a true and correct print-out of Windows Vista's Parental Control screen.

21 (D) A Problem Reports and Solutions Center, which shows users the
22 history of the problems and solutions that their PCs encountered. It also shows the solutions it
23 has automatically found for them to download in order to fix these problems. Windows Vista
24 continuously searches for problems it records and prompts users when it has found a new
25 solution to download. Windows XP had no equivalent to this feature, which makes
26

1 computers more reliable. See *Exhibit D* for true and correct print-outs of Vista's Problem
2 Reports and Solutions Center screens.

3 (E) A Windows Calendar that is a part of the Windows Vista operating
4 system. Windows XP had no calendar feature; Windows XP users had to acquire calendar
5 applications from third-party application vendors. See *Exhibit E* for a true and correct copy of
6 a screenshot of the Windows Vista Calendar.

7 (F) A "Windows Sidebar" that displays a new class of applications called
8 "gadgets" including a clock, traffic updates, or the weather forecast on a strip on the side of
9 the PC's screen, and "thumbnail" views of files. Windows XP does not have a sidebar for
10 gadgets. See *Exhibit F* for a true and correct copy of a screenshot of the Windows Vista
11 Sidebar.

12 (G) A User Accessibility feature that allows users with disabilities to
13 change their PC settings at the Start Menu to an optimal state for low vision support, for
14 example, or to use Speech Recognition (rather than a keyboard). In Windows Vista (all
15 editions) users can tell their PC what to do using spoken commands rather than keyboard
16 entries to navigate the operating system and to open and use applications. Windows XP is
17 limited to commands that allow speech to be converted to text and to changing formatting
18 within a limited set of specific applications. See *Exhibit G* for a true and correct copy of a
19 screenshot of the Windows Vista User Accessibility screen.

20 (H) Explorers group types of files or programs together and allow users to
21 find them easily and view information about them. For example, all Windows Vista editions
22 have a "Documents Explorer" that we redesigned to enable instant search and flexible
23 viewing and organization of documents, a "Music Explorer" that allows instant search,
24 flexible viewing, and organization of music files, a "Pictures Explorer" for pictures, and a
25 "Games Explorer" that makes it easy to find games in one central location. See *Exhibit H* for
26 true and correct copies of screenshots of Windows Vista Explorers.

1 (I) A Windows Mobility Center centralizes functions that users need when
2 using their machine away from their desks, such as for PowerPoint presentations or
3 connecting to a wireless network easily. See *Exhibit I* for a true and correct copy of a
4 screenshot of the Windows Vista

5 (J) A Media Sharing ability allows different users to share music, videos,
6 and pictures with other PC users.

7 (K) “Sync Center” makes it easier to synchronize electronic devices like
8 Smartphones and portable music devices to a computer. Windows Vista (all editions)
9 supports over 20,000 different devices out of the box, double the 10,000 that Windows XP
10 supported out of the box. This means many more printers, cameras, phones, blackberries,
11 palm pilots, portable music players, etc., automatically work with Windows Vista than would
12 automatically work with Windows XP.

13 7. Some of the less obvious, behind the scenes, improvements available in all
14 Windows Vista editions include:

15 (A) Improved reliability through “Windows Resource Protection,”
16 automatic maintenance, and networking diagnostics and troubleshooting.

17 (a) “Windows Resource Protection” protects critical system
18 settings, files, and folders from changes by any source except a trusted installer.

19 (b) Automatic maintenance, which Windows Vista automatically
20 performs, keeps the PC running well. This maintenance includes :

21 (i) Built-in diagnostics that look for hardware failures,
22 network problems, slow performance, and impending memory or disk failures, etc.,

23 (ii) A tool called “Auto Disk Defragmentation” that
24 automatically defragments the hard-drive disk when the PC is not in use, which makes more
25 of the hard disk available to store files;
26

1 (iii) Performance self-tuning and diagnostics that enable
2 applications to respond faster and decrease file download times;

3 (iv) A “Restart Manager” that can prevent reboots or reduce
4 their impact when they cannot be avoided and;

5 (v) A “Self-Healing” feature that can identify problems and
6 self-heal, preventing causes of PC hangs and crashes.

7 (c) “Networking Diagnostics and Troubleshooting” includes built-
8 in diagnostics designed to help users identify and solve network connectivity problems
9 quickly.

10 (d) User Account Controls is a new feature that limits the ability of
11 users to do certain tasks that might damage the PC. This Windows Vista feature provides
12 stronger security to prevent rogue applications from launching potentially harmful programs
13 without the user’s knowledge, or to prevent possible system changes where the user may
14 unknowingly put the PC in an unstable state. This level of protection did not exist in
15 Windows XP.

16 (B) Speedier performance through Windows “ReadyBoost,” which makes
17 PCs more responsive by storing key system information on a flash drive that can be accessed
18 faster than the hard disk; and through improved “Low Priority Input/Output,” which allows
19 background processes to run with lower-priority access to the hard drive than user
20 applications. If an application is written to use low-priority Input/Output, it can run at the
21 same time as a user application without slowing the user application.

22 (C) Improved power management, which enable the PC to more efficiently
23 manage its various states, including “on” and “off” scenarios. This includes a “Fast Sleep and
24 Resume” feature that saves documents, applications, and data to both the hard drive and
25 memory so that the user can resume working from the “sleep” mode in much less time and
26 without data loss.

Executed on November 18, 2007.


Martin Antonio Gatchalian